

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile No. CHTA-004-0005B

MOTION FOR SUBSTITUTION OF PARTIES
AND TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to substitute Mark Noel Rowe for defendant Josephine U. Kiser and to vacate the Consent Order filed June 12, 2002, (Docket No. 6735) in subfile CHTA-004-0005B and as grounds therefore Plaintiff states as follows:

1. Mark Noel Rowe is the son and successor-in-interest to defendant Josephine U. Kiser, now deceased. In May of 2002, Mrs. Kiser signed and returned to the State a proposed Consent Order that failed to recognized irrigation water rights on 1.0 acres of land under subfile CHTA-004-0005B, which was incorrect and inconsistent with the mapping of irrigation water rights on adjacent family lands. The error should be corrected, and a revised Consent Order for subfile CHTA-004-0005B should be prepared for approval by Mr. Rowe.

2. Mark Noel Rowe has been in contact with the State and supports the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to substitute Mark Noel Rowe for defendant Josephine U. Kiser and to vacate the Consent Order filed June 12, 2002, (Docket No. 6735) in subfile CHTA-004-0005B.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of March, 2008 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Mark Noel Rowe
9128 Modesto Ave.
Albuquerque, NM 87122

/s/ Ed Newville
EDWARD G. NEWVILLE